



**KENTUCKY
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Policies and Procedures

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KRS 196.030, 196.035, 196.037, 196.075,
439.340, 439.430, 439.470, 439.480, 439.510,
533.020, and 533.050
101 KAR 2:095

Subject

TELECOMMUTING PROGRAM

I. DEFINITION

“Telecommuting”, as defined by 101 KAR 2:095, section 7(1), means a voluntary work arrangement whereby eligible state employees are allowed to perform the normal duties and responsibilities of their positions through the use of computers or other telecommunications at home or another place apart from the employees’ assigned office or P-1 workstations. Telecommuters are expected to report to their official work sites or designated areas at least once a week to receive mail and correspondence and on report days and for face to face meetings with clients.

II. POLICY and PROCEDURE

- A. Employee eligibility and selection for participation in the program are solely the discretionary decisions of the Department of Corrections, with no implied or specific right to participation being granted to any employee at any time. Upon recommendation from the District Supervisor and approval of the Director of Probation and Parole or her designee, a telecommuter may work full time at home or another alternative site. The following job classes shall be eligible for telecommuting:
1. Probation and Parole Officers
 2. Probation and Parole Investigators
 3. The Director of Probation and Parole shall have discretion to approve other employees as operations dictate.
 4. Internship employees, and self-employed subcontractors are not eligible for telecommuting.
- B. Participation in telecommuting shall be voluntary and mutually agreed to by the employee and the immediate supervisor and approved by the required authorities prior to the beginning of telecommuting.
- C. An employee interested in telecommuting shall meet with his immediate supervisor to discuss the feasibility of telecommuting. If the supervisor consents, the employee shall complete an application and submit it to the District Supervisor for approval. If approved, the application shall be forwarded to the Director of Probation and Parole or designee for evaluation. If approved, the telecommuting application shall be filed in the employee’s personnel file maintained by the Personnel Cabinet. The employee and the supervisor shall each retain a copy of the application for reference.

Policy Number	Effective Date	Page
27-01-04	June 15, 2008	2

- D. Telecommuting Application: A telecommuting application shall be completed and approved. An incomplete or inadequate application shall not be considered. The application shall include:
1. A copy of the employee's position description.
 2. A detailed description of the duties that shall be performed.
 3. A prescribed schedule of workdays and normal working hours.
 4. A specific explanation of how supervision shall be provided.
 5. A detailed account of how work products and outputs shall be monitored, reviewed, measured, and evaluated.
 6. An explicit description of how attendance and leave records shall be maintained and processed.
 7. A specific explanation of how telecommuting shall benefit the agency.
- E. A telecommuter may elect to cease participation in the program at any time. The Director of Probation and Parole, or her designee, may rescind the approved application of a telecommuter when the Director determines that the telecommuter's continuation in the program would no longer serve in the best interest of the Department of Corrections. Upon cancellation of this agreement, all department equipment and supplies shall be promptly returned to department premises. Any delay in the return of equipment may result in disciplinary or legal action.
- F. A telecommuter's conditions of employment shall remain the same as those for non-telecommuting employees. A telecommuter shall adhere to Corrections Policy & Procedures 6.5 and policies of the Commonwealth Office of Technology: Internet and Electronic Mail Acceptable Use Policy; therefore, equipment usage shall be subject to monitoring at any time. Any telecommuter found to be in violation of this or any other Department policy shall be subject to cancellation of the telecommuting agreement or other appropriate action.
- G. Telecommuters shall not work overtime unless authorized in advance by the District Supervisor. Working overtime without approval may result in termination of the telecommuting agreement and other appropriate action.
- H. Telecommuting shall not adversely affect an employee's eligibility for advancement or other employee rights or benefits.
- I. A telecommuter shall e-mail his itinerary by Friday of the previous workweek to the District Supervisor. The telecommuter shall also e-mail each day his record of work time and attendance to a designated timekeeper, who shall have a copy of the telecommuter's work schedule. The District Supervisor shall certify for each pay period the time and attendance at both the telecommuter's P-1 and remote workstations. An employee shall not telecommute on any day on which there is insufficient work at the remote workstation. Except in emergency situations, the District Supervisor or other appropriate authorizing official shall approve in advance any leave taken during the scheduled work hours. A telecommuter shall not be entitled to shift differential compensation. The District Supervisor may direct the individual to report to the assigned office or P-1 workstation at

Policy Number	Effective Date	Page
27-01-04	June 15, 2008	3

any time. If the telecommuter is approved to conduct interviews, meetings, or report-days at an alternative site, he shall report to his assigned office or P-1 workstation when directed by his supervisor.

- J. A line of communication must be established between the Department of Corrections and the telecommuter which may include but not be limited to a telephone, e-mail or pager. The Department of Corrections shall pay approved charges for business related telephone calls and Internet access not to exceed forty dollars per month. The Department of Correction shall not be responsible for connection, maintenance, or overage fees beyond this amount or for any fees not directly work related.
- K. The telecommuter's official workstation shall remain the department location listed on Personnel Cabinet Form P-1 for travel purposes. All Kentucky Finance Cabinet Travel Regulations apply and the employee shall not be reimbursed any mileage except as allowed by those regulations using the official workstation as starting point.
- L. A telecommuter shall certify in writing as part of the telecommuting application that his remote office is clean and free of safety hazards. The District Supervisor or assistant supervisor shall inspect their work site for safety prior to the start of telecommuting. A telecommuter shall agree that the Commonwealth of Kentucky shall be held harmless against any and all claims, excluding workers' compensation claims, which result from working at a remote-office site. In accordance with KRS 342.335, fraud or misrepresentation in filing or delaying the filing of claims, such as workers' compensation claims, and in receiving or providing services or benefits is in violation of state law. Consequently, any telecommuter violating this law shall be subject to appropriate action, including criminal prosecution.
- M. No telecommuter shall be allowed to conduct face-to-face business at the home office. No telecommuter will conduct face-to-face meetings with offenders, family of offenders, or any other person related to case management at their home office. Business meetings shall be conducted on Department premises or at other approved designated locations. On-site visits by Department representatives after scheduled business hours for monitoring of safety issues or work-related issues shall be arranged.
- N. The Department of Corrections shall establish and maintain security controls and conditions for use of state-owned equipment. Telecommuters shall be responsible for the security and confidentiality of data, as well as the protection of state-provided equipment used and accessed during telecommuting. All official state records, files, and documents shall be protected from unauthorized disclosure or from damage and shall be returned safely to the District office. All state-issued equipment and supplies shall be for official use only and shall not be used by anyone other than the telecommuter named.
- O. The Department of Corrections may elect to supply, install, and maintain all or part of the equipment it deems necessary for performing work assignments at the telecommuter's remote office. The Department shall not cover the costs of installation, repair, or

Policy Number	Effective Date	Page
27-01-04	June 15, 2008	4

maintenance of the telecommuter's personally owned equipment. All concerned parties shall sign an equipment inventory list. State-owned equipment may be relocated to the remote-office site under any of the following conditions:

1. The Director or designee has determined and approved office equipment needs.
2. The employee's in-house office equipment is not needed at the official workstation and can be moved to the remote-office site.
3. The employee's in-house office equipment is portable and can be easily moved to the remote-office site.
4. The Department has additional office equipment available for use by the telecommuter.
5. The Department elects to purchase office equipment for the telecommuter.